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PAGE 16/17 *RCVD AT 9/11/2006 5:46:38 PM [Eastern Daylight Time] *SVR:USPTO-EFXXRF-6/32 *DNIS:2738300 *CSID:508 383 7468 *DURATION (mm:ss):03:58

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TERMINAL DISCLAIMER TO OBVIATE PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATIONDocket Number (Optional)
BP0207-US3In re Application of
Pappin et al.Application Number:
10/765,267 Filed
January 27, 2004For
Compositions and Kits Pertaining to Analyte DeterminationGroup Art Unit
1626 Examiner
Nyemah, Grazier

Applera Corporation, the owner* of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/751,354, filed on January 5, 2004, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. The undersigned is an attorney of record.

Sept 11, 2006
Date

Brian D. Gildea
Signature

Brian D. Gildea _____ 39,995
Typed or printed name Reg. No.

- Terminal disclaimer fee under 37 CFR 1.20(d) is estimated to be \$130.00. Please charge the required fee to Applied Biosystems Deposit Account No. 01-2213. A copy of this sheet is enclosed for accounting purposes.

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